

## **REMARKS**

In the Office Action dated October 4, 2007, claim 14 was objected to because of a typographical error therein, which has been corrected.

Claims 1-10, 12 and 14 were rejected under 35 U.S.C. §103(a), as being unpatentable over Uno et al in view of Guenther et al and in view of a publication of the United States Postal Service, designated in the Office Action and herein as USPS Minutes.

This rejection is respectfully traversed for the following reasons.

In general, the subject matter disclosed and claimed in the present application concerns a mail processing device and a computer-readable medium, that provide for the entry of a product code into a postage meter apparatus. As noted in Applicant's previous response, the term "product code" is a term with a specific, well-documented meaning in the context of mail processing, which the Examiner has now apparently not only acknowledged, but relied upon, by virtue of the citation, for the first time, in the latest Office Action of the publication referred to as UPS Minutes. As explained therein, and as explained at page 3 of the present specification, a product code is a specific definition pertaining to a specific mailing category that is defined by the governmental postal authorities in many countries. As also noted in Applicant's previous response, the use of such a product code is actually required in countries such as Germany and Canada, but as of today, it is still not required in the United States, despite having been discussed in the UPS Minutes cited by the Examiner, which summarizes topics discussed at the Mailers' Technical Advisory Committee that took place over a decade ago.

In the countries that require a product code, the product code designates additional services, beyond basic mailing, that are requested by the mailer, such as overnight delivery, registered mail, etc. The product code in those countries must be included in the franking imprint according to the postal regulations in those countries, but this code is simply a number and therefore does not, by itself, provide any explanatory information to a user who has not taken the trouble to memorize all of the relevant product codes. As explained at page 3 of the present specification, this necessitates extra steps by the user in generating the franking imprint because, when the user desires an “extra” service such as overnight delivery, for example, the user must look up the product code that designates that service and take steps to include it in the franking imprint that is generated by the user’s franking machine (postage meter).

The USPS Minutes cited by the Examiner only mentions that the use of such a product code was, at that time, under consideration for implementation in the United States. Since the Examiner has taken “official notice” of other items in the Office Action, it seems that the Examiner could have, and should have, taken “official notice” of the fact that, despite over a decade of being considered in the United States, the use of a product code is still not required by the USPS as of today, and since the USPS has not and does not require a product code to be included in a franking imprint for postal items mailed in the United States, the Examiner could also have taken “official notice” that the USPS has not provided any information to manufacturers of franking equipment (that must be approved by the USPS) as to how a product code can or should be entered into a franking machine so as to be included in the franking imprint. The USPS Minutes merely mentions the possibility

of making use of a product code in future USPS regulations, but provides no information or guidance whatsoever as to how a product code entry can or should be made into a postage meter machine.

As also noted in Applicant's previous response, the Uno et al reference relied upon by the Examiner was filed in the United States Patent and Trademark Office on July 15, 1994, and is based on a Japanese Priority Application filed on July 16, 1993. These dates are much too early for the subject matter disclosed in that reference to have any applicability whatsoever to entering a product code in a postage meter machine, so that the product code entry can, in turn, be included in the printed franking indicia, because product codes do not even exist at the time the application was prepared that issued as the Uno et al patent.

Equally as importantly, as explicitly stated in column 1, line 60 of the Uno et al reference, the mail processing apparatus disclosed therein is for the purpose of detecting physical quantities of mail *provided with a stamp*. Reading the information on the stamp provides one set of input information that is used for the processing, namely a processing charge of the mail. Other factors are then taken into account, as are generally set forth in claim 1 of the Uno et al patent. Therefore, the Uno et al reference is not concerned with *creating* a printed indicia on a mail item in fact, there is no printer at all disclosed in Uno et al), but is instead concerned with *reading* information from a *stamp* or other items that are already present on an incoming item of mail, and then undertaking further processing steps dependent on the information that can be read from the stamp, together with other information that are determined in the manner described in the Uno et al disclosure. There is not even an opportunity to make any changes in the stamp on the postal item disclosed in Uno et

al, as would be a fundamental pre-requisite if one were going to consider using anything in the Uno et al reference as a basis, almost fifteen years later, for making a product code entry in a printed postal imprint, in view of the subsequent innovation of the use of product codes.

Of course, Applicant acknowledges that the Guenther et al reference, also relied upon by the Examiner, does disclose an automatic mail processing device of the type into which product code entries, at least in Germany and Canada, must now be made. Since the Uno et al reference, however, is concerned with items of mail having a stamp thereon, and is not at all concerned with printing postal indicia imprints on items of mail, there is no reason whatsoever for a person of ordinary skill in the field of mail processing to even consult the Uno reference for the purpose of modifying a device of the type disclosed in Guenther et al. Moreover, even if such a person did so based on the "wish list" that is present in the USPS Minutes, such a person still would not be provided with any guidance as to how such a product code entry could actually be made.

Applicant therefore respectfully submits that the Examiner has been able to formulate the rejection based on Uno et al, Guenther et al and the USPS Minutes only with the assistance of Applicant's disclosure, thereby impermissibly using hindsight as the basis for formulating the rejection. In view of the only recent innovation regarding the use of product codes, it is clear that none of the references relied upon by the Examiner can provide any guidance as to how a product code entry should actually be made in a postage meter machine of the type disclosed in Guenther et al. Applicant submits that even if a persons of ordinary skill in the field of mail processing had the insight to rely on a reference such as Uno et al, that reads

information from a stamp on an item of mail, for the purpose of making a product code entry into a postage meter machine that will be used to print a franking imprint, this would be an insight supporting patentability rather than a reason for precluding patentability.

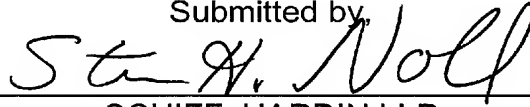
Applicant therefore respectfully submits that none of claims 1-10, 12 or 14 would have been obvious to a person of ordinary skill in the field of mail processing, under the provisions of 35 U.S.C. §103(a) based on the teachings of Uno et al, Guenther et al and USPS Minutes.

Claims 11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Uno et al and Guenther et al and USPS Minutes, further in view of the Examiner taking "official notice" for drive devices to receive data from storage media (data carriers). For the above reasons, even if the Uno et al/Guenther et al/USPS Minutes combination were further modified in accordance with this generally-known information, the subject matter of claims 11 and 13 still would not result.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



(Reg. 28,982)

---

SCHIFF, HARDIN LLP  
**CUSTOMER NO. 26574**  
Patent Department  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: 312/258-5790  
Attorneys for Applicant.

CH1\5394466.1